

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHERYL BRENNER, MEGAN EDWARDS,
AUDREY CLOSE, MITZI FRENCH-HITTI,
CASANDRA HUBER, NALINEE MORRIS,
BRENDA WILSON,

Plaintiffs,

vs.

Civ. No. 00-1091 PJK/WWD ACE

RAN KEN, INC., a Texas corporation,
d/b/a CHELSEA'S STREET PUB & GRILL,
FARMINGTON LONDON PUB, INC., a
New Mexico corporation, d/b/a CHELSEA'S
LONDON PUB & GRILL, W. GREGGORY
HAMILTON, an individual, TERRY McDANIEL,
an individual, and PETER KUCH, an individual,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiffs' Motion for Protective Order to Prevent Discovery of Sexual Behavior Outside The Workplace From Third-Party Witnesses [docket no. 95] filed April 11, 2001. Plaintiffs seek to extend a protective order previously entered with respect to Plaintiffs to cover Defendants' questions to third party witnesses. I note that the protective order entered with respect to Plaintiffs has recently been modified in a ruling on Defendants' motion for reconsideration of that order. Different considerations apply to third party witnesses; however, the scope of inquiry to be allowed with respect to third party witnesses being interrogated about the sexual practices of Plaintiffs outside the workplace should be appropriately limited.

WHEREFORE,

IT IS ORDERED that Defendants taking the depositions of third party witnesses may interrogate those witnesses concerning the sexual practices of Plaintiffs outside the workplace; provided, that such

interrogation shall be limited to incidents where Defendant McDaniel was present or where the witness knows that Defendant McDaniel was made aware of the conduct in question.


UNITED STATES MAGISTRATE JUDGE